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IN THE

Supreme Court of the United States

OCTOBER TERM, 1951.

No. 207

ANTON and IRENE SEDIVY, et al,
Petitioners,

vs.

SUPERIOR HOME BUILDERS, INC., PARK VIEW HOME BUILDERS, INC., THE TRUST COMPANY OF CHICAGO and SAM NAPSKY,
Respondents.

Appeal from the District Court of the United States for the Northern District of Illinois, Eastern Division.

Honorable
John P. Barnes,
Judge Presiding.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1951.

No. 10298

ANTON and IRENE SEDIVY, et al, Petitioners, vs. SUPERIOR HOME BUILDERS, INC., PARK VIEW HOME BUILDERS, INC., THE TRUST COMPANY OF CHICAGO and SAM NAPSKY, Respondents.	Appeal from the District Court of the United States for the Northern District of Illinois, Eastern Division. — Honorable John P. Barnes, Judge Presiding.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

Anton and Irene Sedivy, et al, petitioners herein, respectfully pray that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Seventh Circuit entered in the above entitled case on April 27th, 1951.

The Opinion Below.

The opinion of the United States Court of Appeals is fully set forth in the record (R. 5).

Jurisdiction.

The judgment of the Court of Appeals was entered on April 27th, 1951 (R. 6). The jurisdiction of this Court is invoked under 28 U.S.C. 1254 (1).

Questions Presented.

1. Whether Section 1 (a) of the Housing and Rent Act of 1947, approved June 30, 1947, in repealing the Veterans' Emergency Housing Act of 1946, made unenforceable maximum sales prices and construction requirements, imposed or modified under the authority of the latter Act prior to its repeal, on houses in construction prior to June 30, 1947, but not sold until after this date.

2. Whether the Statute of Limitations contained in Section 7(D) of the Veterans' Emergency Housing Act of 1946, continued in full force and effect after the repeal of this Act itself, in the absence of any such express proviso in the repealing Housing and Rent Act of 1947.

Statutes and Regulations Involved.

The pertinent portions of the Veterans' Emergency Housing Act of 1946 (60 Stat. 207, 50 U.S.C. App. #1821 *et seq.*), of Section 1 (a) of the Housing and Rent Act of 1947 (61 Stat. 193, 50 U.S.C. App. (Supp. 1) #1881), of the Act of March 22, 1944 (58 Stat. 118, 1 U.S.C. (Supp. 1) #109) and of Priorities Regulation No. 33 of the Civilian Production Administration (11 F.R. 6598) are set forth in the Appendix, *infra,* pp. 1a-7a.

Statement.

The fundamental questions presented herein are also presented by United States of America, Petitioner, in the case now pending before this Court on certiorari granted on May 7th, 1951—71 S.C.T. 796.

Petitioners brought their suits, which were consolidated by the District Court on its own motion into one suit, to secure from respondents the amount of the overcharges made by the latter on the sale by them to the petitioners of some 37 houses constructed by the respondents under

priorities granted them pursuant to Priorities Regulation 33. The dates of sale, ceiling and sale prices on the respective properties, the purchasers' names and addresses are set forth in the complaints, together with the prayers for relief. To these complaints respondents filed motions to dismiss petitioners' actions, which motions the District Court allowed, and which dismissal the Court of Appeals for the Seventh Circuit upheld. (R. 6).

Reasons for Granting Writ.

Petitioners rely upon the same reasons for the granting of this writ as those advanced by the United States of America in the case of *United States of America, Petitioner* v. *Robert Fortier, et al,* 71 S. Ct. 796. It is, in the opinion of these petitioners, unnecessary to reiterate the matter so ably set forth in the Government's petition for certiorari in the *Fortier* case and it is their desire, with the Court's forbearance, to adopt as their own, under this heading, the Government's statements made in the *Fortier* case.

CONCLUSION.

For the reasons stated it is respectfully submitted that this petition for a writ of certiorari should be granted.

Respectfully submitted,

JAMES PAUL DELANEY,
Attorney for Petitioners.